

Appl. No. 09/902,174

REMARKS**1. Amendments to the Claims**

In the May 23, 2005 office action, the examiner has objected to claims 1 and 15 as being substantial duplicates of each other under 37 C.F.R. 1.75. In response, claim 1 has been amended to be an exact copy of claim 15, claim 15 has been cancelled, and claim 19, formerly dependent on claim 15, has been amended to depend from claim 1. No new matter has been added.

2. IDS Issue

Further, the examiner has lined out the Karger reference in the IDS submitted on February 25, 2004 for being listed improperly. The reference is an issue of *Vox Sanguinis*, a journal published by Karger Medical and Scientific Publishers, which contains four poster abstracts. In the IDS, the Journal's name and publisher were reported along with the three journal page numbers on which the abstracts and their author information appear. Furthermore, a complete copy of the poster abstracts and their author information were submitted to the examiner. It is clear that the examiner had the opportunity to substantively review the referenced abstracts as he stated that page 112 of the *Vox Sanguinis* journal disclosed four abstracts and was the only page that contained any disclosure.

The PTO-1449 Form submitted with the IDS of February 25, 2004 listed the Publisher's name, journal name and relevant pages, but inadvertently failed to list the name and titles of the specific abstracts. Enclosed is a revised PTO-1449 Form specifically lists the individual abstracts. Since submission of the new PTO-1449 Form simply corrects a formality and the examiner has substantively reviewed the disclosures in the February 15, 2004 IDS, the applicant

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submits that the four abstracts should be considered by the Examiner and an initialed PTO-1449 Form should be issued with the Examiner's next communication.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Leonard R. Svensson, #30,330

LRS/JB/lmt
0459-0636P

Attachment(s)

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